



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 12, 1992

Mr. Michael Anthony Moss
Assistant City Attorney
City of Houston
P. O. Box 1562
Houston, Texas 77251-1562

OR92-95

Dear Mr. Moss:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14926.

You have received a request for information about City of Houston (the "city") employees. Specifically, the requestor seeks:

1. Residence address listings of all City of Houston employees (to include all police and fire departments' civilian personnel and personnel in academy training); and
2. Listing of all positions (police, fireman and civilian) authorized by the city, and the names of those employees filling those positions.

Although you do not object to release of some of the requested information, you claim that employee social security numbers are excepted from required public disclosure by section 3(a)(2) of the Open Records Act and that some employee address information is excepted by section 3(a)(17). In addition, you assert that

compilation of the requested information would cause the city great loss of time and expense.

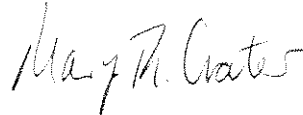
With respect to your 3(a)(2) claim, the requestor does not seek access to employee social security numbers. Accordingly, you are under no obligation under the Open Records Act to make them available to him and we do not address their availability. The city can redact any information which is not requested from the documents produced.

Next, we address your claim that some of the requested information is excepted from required public disclosure by section 3(a)(17). Section 3A(a) of the Open Records Act provides that section 3(a)(17) is applicable only when an employee indicates in writing that he does not want his home address and telephone number disclosed. V.T.C.S. art. 6252-17a, § 3A(a). Peace officers need not affirmatively claim confidentiality for this information under section 3(a)(17). Open Records Decision Nos. 532 (1989) at 3; *see also* Open Records Decision No. 530 (1989) (a governmental body may not solicit an indication of preference from its employees under section 3A(b) in response to a pending open records request). Thus, you must withhold the addresses of peace officers and non-peace officers who have complied with the provisions of Section 3A. The remaining addresses are not exempted from public disclosure.

Finally, you contend that release of the employee addresses under section 3(a)(17) would require the city to search through each employee's personnel file to determine whether each address is subject to release, causing the city to incur great loss in terms of personnel time. You assert that the city has approximately 36,286 employees. If the public information the requestor seeks is not "readily available" because it is intertwined with confidential information, or because the records custodian must conduct an extensive physical search to sort out confidential records, the custodian may charge the requestor for materials, overhead, and labor necessary to delete or separate the confidential information. V.T.C.S. art. 6252-17a, § 9(b); *see also* Open Records Decision No. 488 (1988) (a copy of which is enclosed). The custodian may require the requestor to prepay in cash or to post bond as a condition precedent when the preparation of requested information is "unduly costly" and reproduction would cause "undue hardship" if costs were not paid. *See* Open Records Decision No. 467 (1987) at 6-7.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-95.

Yours very truly,



Mary R. Crouter
Assistant Attorney General
Opinion Committee

MRC/GK/mc

Ref.: ID# 14926

Enclosures: Open Records Decision No. 488

cc:

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